



General Assembly

February Session, 2010

***Raised Bill No. 309***

LCO No. 1070

\*01070\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT CONCERNING RESIDENTIAL ELEVATOR SAFETY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-195 of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 Each elevator or escalator shall be thoroughly inspected by a  
5 department elevator inspector at least once each eighteen months,  
6 except elevators located in private residences shall be inspected at the  
7 time of installation of such elevator, at the time of sale of such  
8 residence and upon the request of the owner. More frequent  
9 inspections of any elevator or escalator shall be made if the condition  
10 thereof indicates that additional inspections are necessary or desirable.

11 Sec. 2. Section 20-327b of the 2010 supplement to the general statutes  
12 is repealed and the following is substituted in lieu thereof (*Effective*  
13 *October 1, 2010*):

14 (a) Except as otherwise provided in this section, each person who  
15 offers residential property in the state for sale, exchange or for lease

16 with option to buy, shall provide a written residential condition report  
17 to the prospective purchaser at any time prior to the prospective  
18 purchaser's execution of any binder, contract to purchase, option, or  
19 lease containing a purchase option. A photocopy, duplicate original,  
20 facsimile transmission, or other exact reproduction or duplicate of the  
21 written residential condition report containing the prospective  
22 purchaser's written receipt shall be attached to any written offer,  
23 binder or contract to purchase. A photocopy, duplicate original,  
24 facsimile transmission or other exact reproduction or duplicate of the  
25 written residential condition report containing the signatures of both  
26 seller and purchaser, shall be attached to any agreement to purchase  
27 the property.

28 (b) The following shall be exempt from the provisions of this  
29 section: (1) Any transfer from one or more co-owners solely to one or  
30 more of the co-owners; (2) transfers made to the spouse, mother,  
31 father, brother, sister, child, grandparent or grandchild of the  
32 transferor where no consideration is paid; (3) transfers pursuant to an  
33 order of the court; (4) transfers of newly-constructed residential real  
34 property for which an implied warranty is provided under chapter  
35 827; (5) transfers made by executors, administrators, trustees or  
36 conservators; (6) transfers by the federal government, any political  
37 subdivision thereof or any corporation, institution or quasi-  
38 governmental agency chartered by the federal government; (7)  
39 transfers by deed in lieu of foreclosure; (8) transfers by the state of  
40 Connecticut or any political subdivision thereof; (9) transfers of  
41 property which was the subject of a contract or option entered into  
42 prior to January 1, 1996; and (10) any transfer of property acquired by  
43 a judgment of strict foreclosure or by foreclosure by sale or by a deed  
44 in lieu of foreclosure.

45 (c) The provisions of this section shall apply only to transfers by  
46 sale, exchange or lease with option to buy, of residential real property  
47 consisting of not less than one nor more than four dwelling units  
48 which shall include cooperatives and condominiums, and shall apply

49 to all transfers, with or without the assistance of a licensed real estate  
50 broker or salesperson, as defined in section 20-311.

51 (d) (1) Not later than April 1, 2010, the Commissioner of Consumer  
52 Protection, shall, by regulations adopted in accordance with the  
53 provisions of chapter 54, prescribe the form of the written residential  
54 disclosure report required by this section and sections 20-327c to 20-  
55 327e, inclusive. The regulations shall provide that the form include  
56 information concerning:

57 (A) Municipal assessments, including, but not limited to, sewer or  
58 water charges applicable to the property. Such information shall  
59 include: (i) Whether such assessment is in effect and the amount of the  
60 assessment; (ii) whether there is an assessment on the property that  
61 has not been paid, and if so, the amount of the unpaid assessment; and  
62 (iii) to the extent of the seller's knowledge, whether there is reason to  
63 believe that the municipality may impose an assessment in the future;

64 (B) Leased items on the premises, including, but not limited to,  
65 propane fuel tanks, water heaters, major appliances and alarm  
66 systems; and

67 (C) (i) Whether the real property is located in a municipally  
68 designated village district or municipally designated historic district or  
69 has been designated on the National Register of Historic Places, and  
70 (ii) a statement that information concerning village districts and  
71 historic districts may be obtained from the municipality's village or  
72 historic district commission, if applicable.

73 (2) Such form of the written residential disclosure report shall  
74 contain the following:

75 (A) A certification by the seller in the following form:

76 "To the extent of the seller's knowledge as a property owner, the  
77 seller acknowledges that the information contained above is true and  
78 accurate for those areas of the property listed. In the event a real estate

79 broker or salesperson is utilized, the seller authorizes the brokers or  
80 salespersons to provide the above information to prospective buyers,  
81 selling agents or buyers' agents.

82

.... (Date)	.... (Seller)
.... (Date)	.... (Seller)"

83

84 (B) A certification by the buyer in the following form:

85 "The buyer is urged to carefully inspect the property and, if desired,  
86 to have the property inspected by an expert. The buyer understands  
87 that there are areas of the property for which the seller has no  
88 knowledge and that this disclosure statement does not encompass  
89 those areas. The buyer also acknowledges that the buyer has read and  
90 received a signed copy of this statement from the seller or seller's  
91 agent.

92

.... (Date)	.... (Seller)
.... (Date)	.... (Seller)"

93

94 (C) A statement concerning the responsibility of real estate brokers  
95 in the following form:

96 "This report in no way relieves a real estate broker of the broker's  
97 obligation under the provisions of section 20-328-5a of the Regulations  
98 of Connecticut State Agencies to disclose any material facts. Failure to  
99 do so could result in punitive action taken against the broker, such as  
100 fines, suspension or revocation of license."

101 (D) A statement that any representations made by the seller on the  
102 written residential disclosure report shall not constitute a warranty to

103 the buyer.

104 (E) A statement that the written residential disclosure report is not a  
105 substitute for inspections, tests and other methods of determining the  
106 physical condition of property.

107 (F) Information concerning environmental matters such as lead,  
108 radon, subsurface sewage disposal, flood hazards and, if the residence  
109 is or will be served by well water, as defined in section 21a-150, the  
110 results of any water test performed for volatile organic compounds  
111 and such other topics as the Commissioner of Consumer Protection  
112 may determine would be of interest to a buyer.

113 (G) If the property contains an elevator, a statement containing the  
114 date and findings of any inspection performed in accordance with  
115 section 29-195, as amended by this act.

116 ~~[(G)]~~ (H) A statement that information concerning the residence  
117 address of a person convicted of a crime may be available from law  
118 enforcement agencies or the Department of Public Safety and that the  
119 Department of Public Safety maintains a site on the Internet listing  
120 information about the residence address of persons required to register  
121 under section 54-251, 54-252, 54-253 or 54-254, who have so registered.

122 (e) On or after January 1, 1996, the Commissioner of Consumer  
123 Protection shall make available the residential disclosure report  
124 prescribed in accordance with the provisions of this section and  
125 sections 20-327c to 20-327e, inclusive, to the Division of Real Estate, all  
126 municipal town clerks, the Connecticut Association of Realtors, Inc.,  
127 and any other person or institution that the commissioner believes  
128 would aid in the dissemination and distribution of such form. The  
129 commissioner shall also cause information concerning such form and  
130 the completion of such form to be disseminated in a manner best  
131 calculated, in the commissioner's judgment, to reach members of the  
132 public, attorneys and real estate licensees.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	29-195
Sec. 2	<i>October 1, 2010</i>	20-327b

***Statement of Purpose:***

To require elevators located in private residences to be inspected at the time of installation and time of sale of such residence, and to require that the residential condition report given to a prospective buyer contain information concerning such inspection.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*